

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 624-05, Foster Care Services - Permanency Planning manual. Note that new language has been underlined and old language which is deleted has been struck through. The following PIs are superseded with this manual letter: PIs 09-19, 10-20, 11-02, 11-07, 12-03, 12-07, 12-12, 12-14, and 12-16.

**Deleted** Single Plan of Care (SPOC).

**Reasonable Efforts - Preventing Placement - Services**  
**624-05-15-15-15**

Reasonable efforts to prevent placement as described in the Wraparound case management process. Wraparound case management is a strengths-based definable process involving the child and family that results in a unique set of community services and supports individualized for that child and family. Wraparound is a team driven process that focuses on least restrictive methods of care and uses the family's strengths, preferences, and choices in the process whenever possible. This process includes an assessment of risk, needs, strengths, and safety for the child and family. A behaviorally specific treatment plan, ~~Single Plan of Care (SPOC)~~, with defined goals and tasks for team members is the result.

**Deleted** SPOC in second paragraph.

**Reasonable Efforts - Preventing Placement - Documentation**  
**624-05-15-15-20**

To support this judicial determination and to document reasonable efforts to prevent placement, the agency must organize and maintain its documentation of such reasonable efforts in the permanency plan/~~SPOC~~. This documentation includes:

**Deleted** references to CCWIP and **noting** the new system, FRAME.

**Permanency Planning Process/Foster Care Child & Family Team Meetings 624-05-15-20**

~~CCWIPS-FRAME~~ has been modified to allow concurrent goals to be entered on both the Initial Permanency Plan and the Permanency Planning Progress Report.

In the goals/tasks section ~~of CCWIPS~~, a case manager may enter "see ~~SPOC~~ **FRAME**" for tasks areas.

**Deleted** youth from the first paragraph. **Added** language regarding email and letter notification to the file.

**Permanency Hearing 624-05-15-20-20**

**Every child in foster care must have a "permanency hearing" within 12 months of the child's ~~/youth~~ entry to foster care or continuing in foster care following a previous permanency hearing.**

Foster parents of the child and any preadoptive parent or relative providing care for the child must be provided with written notice of, and a right to be heard in, any proceeding with respect to the child. Email or letter notice constitutes written notice, if there is documentation of the letter or email on file.

**Deleted** Single Plan of Care (SPOC) notation from the second paragraph – last line.

**Reasonable Efforts - Reunifying the Child and Family 624-05-15-25**

Application of Family Preservation Services, reunification, and other services involves establishing appropriate treatment goals and treatment tasks as part of the permanency plan/~~Single Plan of Care (SPOC).~~

**Deleted** references to CCWIP and **noting** the new system, FRAME, under Recommendations for notification of change in placement include. Punctuation was corrected also.

**Responsibilities of the Department of Human Services and Regional Human Services Centers - TPR Children 624-05-15-30-20**

14. Through the permanency planning/wraparound process, discuss the child's treatment plan/~~SPOC~~ and approve placement level of care.

**Notification of Custodial Representative:**

Notification of the Custodial Representative or tribal representative upon a change in placement serves several purposes. First, it assures that the child's custodian or tribe is aware of where the child is placed; second, it can serve as notification in order to complete ~~CCWIPS-FRAME~~ tasks; third, it will assure appropriate payment for eligible services; and finally, it can provide notification of special circumstances that may have medical, psychiatric, or legal consequences.

Recommendations for notification of change in placement include:

Change in Placement:

- Safe House (notify as soon as possible so can enter in ~~CCWIPS~~ FRAME) or 3-5 days
- More restrictive foster care placement - Prior consultation required for ~~CCWIPS-FRAME~~ - Notification when placement made if different than ~~CCWIPS-FRAME~~

\* Foster Care Child & Family Team

**Deleted** single plan of care language under Trial Home Visits.

### **Exit from Foster Care (ASFA) 624-05-15-35-10**

#### Trial Home Visits:

A trial home visit must be a planned, formalized, agency-supervised visit in the reunification home for a specified, limited period of time not to exceed six months unless otherwise authorized by the court. A trial home visit must be discussed at Permanency Planning Committee/Foster Care Child and Family Team meeting and entered into a child's ~~single plan of care/case~~ plan, and no foster care payments are made during the visit period. Casual or incidental visits, e.g., to attend a wedding or funeral, are not considered "trial home visits" even if they are part of the child's reunification plan.

Access to FPLS information has been **revised**.

### **Federal Parent Locator Services 624-05-15-41**

The North Dakota Department of Human Services or designee, in its provision of services under Title IV-E/IV-B of the Social Security Act, may have access to certain Child Support Enforcement Federal Parent Locator Service (FPLS) information for defined purposes. Information may only be accessed for the purpose of locating or facilitating the discovery of an individual ~~who has or may have parental rights in order to make more informed and timely decisions about a child's permanency who is a parent, alleged father, or relative of the child, as needed for IV-E/IV-B agencies to carry out their responsibilities of the IV-E/IV-B programs.~~

To access the FPLS information the following steps must be followed:

- The ~~Child Welfare~~ case manager identifies a need ~~for to~~ "locate" information. (Is the information needed for ~~an individual who has, or may have parental rights to a child, is it related to IV-B or IV-E a parent, alleged father, or relative of the child, and is the purpose to make more informed and timely decisions about a child's permanency? related to carrying out the responsibilities of the IV-E/IV-B programs?~~)
- If the answer is "No" then FPLS information may not be requested.

- If the answer is "Yes" then the case manager completes the Request Form – Request for Use of the Federal Parent Locator Service (FPLS) for Child Welfare Services (Request Form SFN 1944).
- The completed Request form, SFN 1944 is attached to an e-mail and sent to the Regional Supervisor.
- The Regional Supervisor reviews the request for approval.
- The Regional Supervisor sends the approved Request Form, SFN 1944, to the Child Support Enforcement State Parent Locator Service (SPLS) as an email attachment. (csespls@nd.gov)

SPLS receives the request and processes it. The A request that includes sufficient information is automatically submitted to FPLS the next Friday. (Federal law prohibits the disclosure of FPLS information on an individual for whom an IV-D program has placed a Family Violence Indicator (FVI). A IV-D program places the FVI on an individual when there is reason to believe that release of information may result in physical or emotional harm. Therefore, although fairly uncommon, it may be that FPLS information will not be available due to the FVI.)

FPLS uses a variety of powerful sources, many of which produce information that would otherwise be confidential. Federal law and regulations prescribe what information FPLS provides in response to a request. SPLS will usually receive FPLS responses one to two weeks after submittal. However, this varies depending on the source of the information.

The SPLS worker sends the FPLS responses back to the Regional Supervisor via email. Upon receiving the FPLS responses:

- The Regional Supervisor provides the responses to the case manager by forwarding the email.

~~An evaluation form to gather feedback on the usefulness of the FPLS information may be sent to the Regional Supervisor. Upon receiving the evaluation form:~~

- ~~• The Regional Supervisor either completes and returns the form; or~~
- ~~• Forwards the form to the case manager for completion with a return request.~~

**Note** the new system, FRAME, in the last paragraph.

### **Sibling Placement Policy 624-05-15-45**

\*The 'department' refers to the regional supervisor who issues the license. Licenses will need to be amended to accommodate sibling groups which exceed the limitation of four. It will be necessary to contact the CCWIPS/**FRAME** Help Desk to enter a number greater than four in the CCWIPS licensing screen.

This paragraph was **moved** within the section. PI-12-03 and 11-02 were **added** to this section. **Deleted** references to CCWIP and noting the new system, FRAME.

### **Case Plan 624-05-15-50**

If the child's permanency plan/goal is adoption or placement in another permanent home, federal law (ASFA) requires the plan must include documentation of the steps the agency is taking to find an adoptive family or other planned permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize a legal guardianship. At a minimum such documentation must include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements.

#### Credit Report Policy:

Agencies are required to assist foster children ages 16 and older in obtaining a copy of a consumer credit report, interpreting the results, and resolving any inconsistencies. Documentation of a credit report must be placed in the child file at age 16 and each year thereafter until discharged from foster care.

Consumer credit agencies have informed states that many children under the age of 18 will likely not have a credit report, as many do not have credit history. A free credit report can be obtained through the Annual Credit report website at <https://www.annualcreditreport.com/cra/index.jsp>.

Agencies can work together with a child to request a credit report:

1. Electronically or,
2. By mail – In order to speak on the account as a legal representative or court ordered guardian for a consumer, agencies must submit:
  - Letter requesting a credit report based on the federal legislation;
  - Annual Credit Report Mail Form (PDF online);
  - Proof of the legal representation (court order);
  - Copy of the custodial agency worker ID badge; and
  - Copy of the driver's license of the child (if applicable).
  - Mail to at least one:

Annual Credit Report Request ServicePO Box 105281Atlanta, GA 30348-5281EquifaxP.O. Box 740256Atlanta, Georgia 30374Phone: 1-800-685-1111ExperianP.O. Box 9554Allen, Texas 75013Phone: 1-888-397-3742TransUnionP.O. Box 6790Fullerton, CA 92834Phone: 1-800-916-8800

Information to assist with interpretation of a report can be found on the Federal Trade Commission's website <http://ftc.gov/> or on the Identity Theft Resource Center website <http://www.idtheftcenter.org/index.html>.

Credit reports are an independent living learning opportunity and should be reflected as a provided service for the purposes of National Youth in Transition Database (NYTD) reporting. Workers should select "Budget-Financial Management" in FRAME under Independent Living Services each time a credit report is obtained. The intent of this law is to identify if the child has been subject to identity theft, as well as teach the child how to

request and review a credit report, help the child understand the importance of having a credit check completed, and position the child to continue this practice upon discharge from foster care.

Two existing tools, Foster Care Discharge Checklist and Child & Family Team Meeting Outline, have been updated to include a section on credit reports for worker convenience. These were tools created to assist workers with case file requirements; they are not required for use.

### Transition Planning

A transition plan that is personalized at the direction of the child must be developed during the 90-day period immediately prior to the date on which the child will reach the age of 18. The transition plan will include specific options such as:

1. Housing
2. Health insurance
3. Education
4. Local opportunities for mentors and continuing support services
5. Work force supports and employment services
6. Information related to Health Care Directives

While the child is in foster care, the transition plan must be as detailed as the child chooses and shall be developed during the Foster Care Child & Family Team meeting and is made part of the child's case plan.

### Notice of Child Proceedings

Foster parents, preadoptive parents, or relatives providing care for the child must be provided with written notice of and a right to be heard in any proceeding held with respect to the child during the time the child is in the care of such foster parent, preadoptive parent or relative caregiver. Email or letter notice constitutes written notice, if there is documentation of the letter or email on file.

For assistance in generating the child's foster care case plan on FRAME, please refer to the FRAME user manual.



### Abbreviated Case Plan

Every child in foster care is required to have an approved case plan which is a written document that is made a discrete part of the case record. For youth in foster care on a short-term basis (less than 30 days), an abbreviated case plan is allowable. An abbreviated case plan must contain at least one completed factor, with goals and tasks, in FRAME's family assessment instrument.

All case plans must take into account the youth's safety, permanence, and well-being. An approved case plan must be in FRAME before the foster care case can be closed.

### Case Reviews

The requirements for the periodic case reviews are spelled out in Title IV-E of the Social Security Act, Sec. 475(5), summarized here.

The case review system means a procedure for assuring that:

- If the child has been placed in foster care outside the State in which the home of the parents of the child is located, requires that, a caseworker manager (from either State) visit such child in the home or institution where the child is placed, and every month, submit a report on the visit to the State agency (Children and Family Service Division).

In addition to the requirements outlined above, good practice dictates and federal law requires the case plan to include at a minimum the following items:

2. Identification of the specific circumstances which necessitated and cause the separation of the child from the family. Refer to the Agency View and Family View of Situation in the FRAME-Care Case Plan.

This information is included in the child's case plan on FRAME ~~and can also be found in the Single Plan of Care (SPOC)~~. Refer to the FRAME user information for technical assistance.

NOTE: High Risk Youth (at risk of harming self or others)

~~(Refer to High Risk Youth with Suicide Indication at 05-15-50-30.)~~

**Changed** Caseworker to Case manager.

### **Relative Search 624-05-15-50-22**

If it is apparent that the child will not be returning home within 30 days, a relative search must be initiated. The relative search can be conducted through discussion with the family, child, or the use of US Search. Costs associated with US Search are paid for by Children & Family Services. The results, or status of the search, must be included in the initial case plan. Searching for and contacting relatives is an ongoing process. Caseworker **managers should** be contacting relative resources to explore their ability to either be a placement resource or other ways the relative could provide connections for the child/children through the child's stay in foster care.

Paragraphs were **moved** to other locations within this section. This change supersedes PI-09-19 and 11-07.

### **Case Management Services During Placement 624-05-15-50-30**

The case manager supervising the placement of a child in foster care must have **or arrange** regular contacts with the foster child, foster child's parent(s), and foster parents, and must coordinate services (including periodic medical examinations) from other resources for the foster child. The case manager must be cognizant of the Adoption and Safe Families Act of 1997 (Implemented in North Dakota 8-1-99) and of the new timeframe requirements for foster care.

~~The frequency of case manager's visits with the parent(s) must be sufficient to meet the needs of the family and promote the achievement of the case goal.~~

~~The supervision of foster care placements requires periodic home visits, including interviews of the child. The requirements concerning frequency of~~

~~visits by case workers supervising the placement of a child in foster care are as follows:~~

- ~~• In all cases, the visits/contacts must be sufficiently frequent to ensure the child's safety and well-being.~~

Visit frequency must be discussed within the review process. Frequency and conditions must be defined in the child's case plan. **The following are North Dakota's minimal standards for visitation:**

1. Out-of-State Placements - relative parent, family foster care, residential

Federal law requires that a caseworker manager (representative from either state) must visit the child in the foster care setting on a monthly basis. How visitation and reporting will be accomplished, as well as the possible costs to the custodian, must be carefully considered whenever out-of-state placement is being considered. Visitation standards are the same as those outlined for foster youth placed within North Dakota.

2. Foster Youth Placed in North Dakota Family Foster Homes

- a. Personal contact once a month is required with the children in family foster care in order to carry out the agency's basic obligation toward the child and ensure that the child achieves permanency as quickly as possible. The majority of these visits must occur in the residence of the child. The home where the child is residing includes foster home, child care institution, or the home from which the child was removed if the child is on a trial home visit. Case manager visits can be conducted by any case manager within the custodial agency. Whenever possible, best practice dictates visitation should occur between the child and the child's case manager.

These face-to-face visits will focus on the child's safety needs, issues, and conditions needed for reunification or permanency, and well-being of the youth and his/her family. Using polycom

or similar interactive system will not meet the requirements of the 'face-to-face' visit.

- b. When visiting the foster child face-to-face, once a month, weekly supplemental telephone contacts are recommended.

2. 3. Group/RCCF Foster Care/Psychiatric Residential Treatment Facilities (PRTF)

- a. Personal contact once a month is required in order to carry out the agency's basic obligation towards the child. More frequent visits may be indicated immediately after placement or if problems are being noticed in the placement.
- b. When visiting a foster child face-to-face on a monthly basis, telephone contact or IVN (polycom) with the child on a weekly basis is recommended. Using polycom or similar interactive system will not meet the requirements of the 'face-to-face' visit.
- c. The content of these visits should focus on the child's safety needs, issues, and youth and his/her family. Using polycom or similar interactive system will not meet the requirements of the 'face-to-face' visit.

3. 4. Special Circumstances

- a. On occasions when a face-to-face visit is not possible between the child's case manager, or with a case manager within the custodial agency, it is possible for another case manager to visit the child and meet this requirement. The case manager can be anyone that the administrative county has assigned or contracted visitation responsibilities. The designee must have information regarding the child's ongoing case plan, the child's parents or legal guardians, and the child, including any special needs of the child. The staff person making the contact is responsible for assessing the safety and well-being of the child. Documentation of the visit must be provided to the child's case manager to be included in the child's case file.

In all cases, the case manager visitation frequency should be discussed at permanency planning reviews/Foster Care Child & Family Team meetings and written into the case plan/FRAME.

Document the agency involvement and time frames on the permanency planning initial and on-going progress reports in the "tasks" section, and time frame the activity. (It is also incorporated in the SFN 902 and SFN 903 for those limited situations done on hard copy.) Refer also to the FRAME - Case Activity Log.

Case managers must enter one of the following codes in FRAME, under the Case Activity Log, following each visit with the child:

<u>FF</u>	<u>Face-to-face contact not in child's residence</u>
<u>FR</u>	<u>Face-to-face in child's residence</u>

#### Case Manager Visitation with Foster Child

Section 422(b)(17) or Section 424(e)(2) of the Social Security Act requires that all youth in a foster care placement must be visited each and every full month that they are in care, with majority of those visits taking place in the youth's place of residence.

During each monthly visit, the youth's **safety, well-being,** and **permanence** should be assessed and addressed by the worker. An entry should be made into the youth's case activity log outlining progress or concerns related to the three main areas noted above. This face-to-face visitation and whether or not the visitation took place in the youth's residence should also be entered into the FRAME system.

Key Elements of Visitation: Each visit should be tailored to address current issues that the youth is experiencing. The following are some examples of subjects that could be covered in each of the three noted areas that must be addressed during every visit. This list is given only as a brief outline and is in no way meant to exhaust the topics that could/should be covered during the visitation:

#### Safety Examples:

- Does the youth feel safe in the placement? Why or why not?

- Does the youth have resources whom they can contact if they are not feeling safe? Does the youth know how to contact them, i.e., ~~case worker~~ manager, parent, trusted adult?
- Is the living environment free from hazard and is it habitable?

#### Permanence Examples:

- Does the youth know the goals of their treatment plan/placement?
- Can youth describe permanency goals and how to accomplish them?
- Is there contact via telephone, e-mail, Polycom, letters, visitations, etc., with family and other important people in their life?

#### Well-Being Examples:

- Has there been illness or injury since the last contact?
- Is the youth receiving adequate nutrition, sleep, space, privacy, therapy, recreational time, and educational services/activities?
- Has there been a change in emotional state since last contact?
- Have there been any changes in medications since last contact?

#### Case Manager Visitation With Parents

The case manager must meet with parents at least monthly.

Acceptable levels of contact: face-to-face, telephone, or written. Contact should always be at the highest possible level. If it is possible to have face-to-face contact with parents, that is required. The frequency and quality of the visits between the case manager and the parents must be sufficient to address issues pertaining to the safety, permanency, and well-being of the children and promote achievement of case goals (i.e. focus on issues pertinent to case planning, service delivery, and goal achievement). The length of the visits should be sufficient duration to address key issues with the child(ren) and in a location conducive to open and honest conversation.

The documentation of the frequency and quality of visits with parents must be entered into FRAME monthly.

"Parents" refer to the primary caregivers with whom the children live and noncustodial parent who is involved or wishes to be involved in the child's life. This includes the children's biological parents, primary caregivers (if other than biological parents), and adoptive parents if the adoption has been finalized.

Missing Children:

~~The case manager, upon learning of a missing child or a child on the run, must report the incident (with pertinent information) to the legal custodian and the regional supervisor as soon as possible, but in no instances later than 12 hours.~~

**~~Pertinent Information~~** means, but is not limited to the following:

~~Circumstances of the "missing" report:~~

- ~~• Who, what, where, when, date, exact time.~~
- ~~• Description of the child's appearance; i.e. hair color/style, clothing, identifying marks.~~
- ~~• Last placement, name, address.~~
- ~~• Who saw the child last?~~
- ~~• Date, time, and name of last case manager visit.~~
- ~~• Is this the first time the child has been "missing"? If not, provide a brief history of prior "missing" episodes.~~
- ~~• What was going on with the child at the time?~~
- ~~• Was it from a special event? i.e. game, rodeo, carnival, etc?~~

**~~Action taken by the Case Manager:~~**

**~~What action was taken by the case manager, family foster home, and/or facility since being notified that the child is missing? i.e. APB (all points bulletin), etc.~~**

**New** section was added.

**Sentinel Events and Incidents 624-05-15-50-33**

The Risk Management incident report SFN 50508 must be completed by the Regional Supervisor and filed with State Risk Management within 24 hours. The on-line reporting system, [www.nd.gov/risk](http://www.nd.gov/risk), is used to report both a sentinel event or an incident.

Additional information may be attached to an incident report. Any additional information must be filed with State Risk Management and also sent to the DHS Risk Manager and DHS Legal Advisory Unit Director.

If you are uncertain whether a situation is a sentinel event or an incident, consultation is available through the Regional Supervisor, CFS or the DHS Risk Manager. **A sentinel event will always require an incident report,** but every incident reported is NOT a sentinel event.

**Sentinel Events:**

A sentinel event is defined as any unexpected occurrence involving death or serious physical or psychological injury or risk thereof that is not related to the natural course of the individual's illness or underlying condition. Serious injury specifically includes inappropriate sexual contact. The phrase "or risk thereof" includes any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. They signal the need for immediate investigation and response.

An example of a sentinel event would be if a foster youth is seriously injured, (including inappropriate sexual contact), dies unexpectedly, or attempts suicide.

Regional Supervisors must report all sentinel events to the Regional Director, Institution Superintendent, or Local Risk Manager **immediately**. The event also must be reported to the DHS Executive Director, DHS Risk Manager and



DHS Legal Advisory Unit Director as soon as possible, but no later than 12 hours after the occurrence. Initial notification may be made by phone, voice mail, or e-mail.

**Incidents:**

An incident is an unplanned occurrence that resulted or could have resulted in injury to people or damage to property, specifically involving the general public and state employees. An incident can also involve issues such as harassment, violence, and discrimination. An incident may be referred to as an accident or near miss.

Utilize the Risk Management Fund Incident Report (SFN 50508) for general and employee incidents. The report should be completed by the employee that has the most information or first-hand knowledge about the incident. Incident reports should *not* be completed by non-state employees. An example of an incident that is not a sentinel event would be if a foster youth runs away.

If there are questions regarding this policy, please feel free to contact the CFS Foster Care Administrator or the DHS Risk Manager.

**Deleted** from 624-05-15-50, Case Plan, to its own section.

**Missing Children 624-05-15-50-34**

The case manager, upon learning of a missing child or a child on the run, must report the incident (with pertinent information) to the legal custodian and the Regional Supervisor as soon as possible, but in no instances later than 12 hours.

**Pertinent Information** means, but is not limited to the following:

Circumstances of the "missing" report:

- Who, what, where, when date, exact time.
- Description of the child's appearance; i.e. hair color/style, clothing, identifying marks.
- Last placement, name, address.
- Who saw the child last?
- Date, time, and name of the last case manager visit.

- Is this the first time the child has been "missing"? If not, provide a brief history of prior "missing" episodes?.
- What was going on with the child at the time?
- Was it from a special event? i.e. game, rodeo, carnival, etc?

**Action Taken by the Case Manager:**

Report what action was taken by the case manager, family foster home, and/or facility since being notified that the child is missing? i.e. APB (all-points bulletin), appropriate notifications, etc.

Children and Family Services (CFS) must be notified via the incident report when a foster child is missing or AWOL.

Title **Changed**. New language was **added** to this section and **deleted**.

**High Risk Youth ~~with Suicide Indication~~ 624-05-15-50-35****Suicidal Youth**

Any time a foster youth is expressing suicidal ideation, contact your local human service center (24-7) and request, at a minimum, a consultation and/or an evaluation with appropriate staff or risk team to determine the risk level.

Whenever a youth enters foster care and information is available related to a history of self-harm or suicide indications, a safety plan needs to be developed and implemented within 24 hours. A plan for evaluations and/or treatment resources must be identified and all local and regional staff must be advised of the treatment plan. This safety plan must also become a part of the case plan for that youth.

For youth being discharged from an inpatient treatment facility and who has any related behavior of self-harm, follow-up treatment services must be arranged prior to discharge. Case managers must actively participate in the discharge planning on-site-with treatment facility staff and are required to follow-up with treatment facility staff (daily, if needed) as to the progress and/or safety of youth.

~~All attempted or completed suicides must be reported to Children and Family Services Division immediately by phone or e-mail to the Foster Care Administrator.~~

Documentation of the above must be included in the child's case plan ~~/SPOC~~.

**New** section was added.

### **High Risk Activities 624-05-15-50-40**

~~The child's custodian has the discretion to approve the child's participation in what may be considered high risk activities; i.e. skiing, hunting, horseback riding. This decision should be made during the Foster Care Child & Family Team meeting. It is recommended that the child attend any safety course available that may relate to the activity prior to participating in the activity; i.e. hunter's safety, rider's safety training etc. Approval should be documented in the child's case file.~~

New paragraph was **added**.

### **Permanency Planning Committees/Foster Care Child & Family Team 624-05-15-60**

~~The custodial agency must notify the foster parent, pre-adoptive parent, or relative caregiver in writing. A copy of the written notification should be kept in the child's case file.~~

~~NOTE that ASFA changed the terminology related to disposition hearings. Pursuant to ASFA, disposition hearings are now termed "Permanency Hearings." Generally, this refers to a judicial hearing and is not to be confused with the activities of the Permanency Planning Committees/Foster Care Child & Family Team meetings and their initial and periodic review of cases.~~

Single Plan of Care/SPOC and CCWIP were **deleted**. FRAME and permanency plan were **added**.

**Function of the Permanency Planning Committee/Foster Care Child & Family Team 624-05-15-70**

The permanency planning committee/Foster Care Child & Family team has, at a minimum, the following functions:

1. Periodically review the initial case plan and case review documents for every child in care ~~(SFN 902 and SFN 903/CCWIPS/SPOC).~~
3. The regional foster care supervisor approves the foster care placement into therapeutic family foster care or group or residential child care facility in ~~CCWIPS/SPOC~~ FRAME.
5. To develop, in writing, the ~~Single Plan of Care~~ permanency plan for the child, parent, agency, and foster parents with specified goals, tasks, and dates of the completion.

A paragraph was **deleted**.

**Periodic Review Requirement 624-05-15-80**

~~The initial case plan (Permanency Planning Committee Initial Report on CCWIPS) and Single Plan of Care (SPOC) must be completed within 30 days of initial placement. Most healthy newborn infants would not require a follow-up permanency plan (documented in the Permanency Planning Committee Progress Report on CCWIPS FRAME) unless they remain in foster care three (3) months beyond the initial case plan.~~

The Adoption and Safe Families Act (ASFA) provides tightened time frames for children in foster care, twelve-month disposition hearings, filing of petitions for termination of parental rights when a child has been in foster care a certain period of time, and an emphasis on moving the child into adoption, relative care, guardianship, or alternate permanent setting quickly.

~~(Refer to 641-30-10 for SPOC timeframes.)~~

Reference to Single Plan of Care and CCWIPS were **deleted**. FRAME was **added**.

### **Placement Review 624-05-15-80-05**

Children in foster care in North Dakota will continue to be reviewed by the committee/team on a quarterly basis subsequent to the first permanency planning committee meeting (where the case plan is developed) within the first 30 days of initial placement.

Periodic permanency planning/team reviews at three-month intervals are required for all children and documented in ~~CCWIPS-FRAME~~ as a Permanency Planning Committee Progress Report/~~Single Plan of Care~~. The three-month review requirement is dictated by the ASFA mandates to move children into permanent situations, and to help agencies meet the various ASFA deadlines, such as permanency hearings. It is anticipated that the result of this emphasis on planning and services to foster children will result in shortened times in foster care and diminished recidivism. The periodic permanency-planning requirement does not substitute for monthly reviews of the case by the case manager and supervisor.

Reference to Single Plan of Care and CCWIPS was **deleted** and **replaced** by FRAME and case plan.

### **Initial Permanency Planning Committee/Foster Care Child & Family Team Meeting 624-05-15-95-10**

The case manager has the responsibility for presenting the case to the committee/team. The demographic information on "Permanency Planning Committee Initial Report," (including the Independent Living Plan and Health & Educational Requirements), must be completed by the case manager in ~~CCWIPS-FRAME~~ prior to the meeting. In order to function effectively, the committee/team must have pertinent information about the child, the parents, the extended family, and the foster family when appropriate. This will include information, as recorded in the Strengths Discovery, on the incidents and safety issue that may have precipitated the need to consider placement, what services have been provided to prevent the placement and also information on how each parent and child has been functioning. The

case manager for the child has the responsibility for insuring that a Strengths Discovery is completed and is available for use by the committee/team. The case manager should be prepared to discuss any of the items in the ~~Single Plan of Care~~ case plan. The committee/team provides input for case planning by identifying strengths, needs, and risk factors. It is the responsibility of the case manager to complete case plan documentation and distribute as required.

Reference to Single Plan of Care and SPOC were **deleted**.

**Quarterly Permanency Planning Committee/Foster Care Child and Family Team Meetings/Progress Report 624-05-15-95-15**

The quarterly committee/team meetings focus on case progress towards the established goal with specific dates for completion and ongoing evaluation of the treatment plan (~~SPOC~~) to fulfill the stated goals. The committee/team has the responsibility to provide planning input. Other duties are the same as those indicated in 05-15-105-15. At the conclusion of the meeting, the case manager is responsible for completion and distribution of the completed case plan/~~single plan of care~~ review.

Reference to CCWIPS were **deleted** and **replaced** with FRAME.

**Documentation of Permanency Planning Initial Report and Progress Report 624-05-15-95-20**

The Permanency Planning Committee Initial Report and Permanency Planning Committee Progress Reports in ~~CCWIPS~~ FRAME are required for case plan and case review. All case plan and permanency planning review requirements are built into screens in the ~~CCWIPS~~ FRAME system. This is designed to ensure that federal mandates related to foster care have been met.

The eligibility specialist has on-line review access to foster care cases in ~~CCWIPS~~ FRAME, to assure that AFDC-Foster Care eligibility requirements and compliance issues are met. If the case is not on-line, hard copies of the forms SFN 902, "Permanency Plan Committee Initial Report," and SFN 903,

"Permanency Planning Committee Progress Report," must be sent to the eligibility specialist in the county of financial responsibility.

**Deleted** references to CCWIP and **noting** the new system, FRAME. High Risk Activities was **moved** to 624-05-15-50-40.

### **Responsibility by Type of Care and Custodian 624-05-15-105-15**

#### 5. Tribal Foster Care Cases:

Above guidelines are followed.

The eligibility worker in the appropriate county has the responsibility to see that permanency-planning reports are in ~~CCWIPS-FRAME~~. If not, the eligibility worker will notify the appropriate tribal social worker.

For tribal case plans (Permanency Planning Committee Initial Report) and quarterly reports (Permanency Planning Committee Progress Report), the involved county starts the case plan in ~~CCWIPS-FRAME~~ (generating available information from the system), printing it out, and mailing it to the appropriate tribal social worker for completion.

#### High Risk Activities

~~The child's custodian has the discretion to approve the child's participation in what may be considered high risk activities; i.e. skiing, hunting, horseback riding. This decision should be made during the Foster Care Child & Family Team meeting. It is recommended that the child attend any safety course available that may relate to the activity prior to participating in the activity; i.e. hunter's safety. Approval should be documented in the child's case file.~~

Credit reports and health care directives were **added** to the list. Reference to transition planning was **added**.

### **Discharge Planning 624-05-15-110**

All youth should leave care with the following:

- credit reports
- health care directives

NOTE: Refer to transition planning under 624-05-15-50

~~A transition plan, personalized at the direction of the foster child, must be developed during the 90-day period immediately prior to the date on which the child will reach age 18. The transition plan will include specific options such as:~~

- ~~1.—Housing~~
- ~~2.—Health insurance~~
- ~~3.—Education~~
- ~~4.—Local opportunities for mentors and continuing support services~~
- ~~5.—Work force supports and employment services.~~

Foster youth aging out of the system must be provided with a copy of their health and education records at no cost to the youth. In addition, they must be informed of the option to remain in or return to foster care through 18+ Continued Care.

Title to this section **changed**. The transition plan list was **deleted**.

### **Goals in Foster Care Placement - ~~Case Plan Requirements~~** **624-05-15-115**

~~A transition plan, personalized at the direction of the foster child, must be developed during the 90-day period immediately prior to the date on which~~



~~the child will reach age 18. The transition plan will include specific options such as:~~

- ~~1. Housing~~
- ~~2. Health insurance~~
- ~~3. Education~~
- ~~4. Local opportunities for mentors and continuing support services~~
- ~~5. Work force supports and employment services.~~

The following sections are some examples of the goals that can be established to meet the needs of the children, when to select the goal, how to implement it, and when a selected goal may not work.

Single plan of care was **deleted** from the third step.

### **How to Implement the Goal 624-05-15-115-10-10**

3. Development of a case plan/~~single plan of care~~. The plan/~~single plan of care~~ should be developed with the relatives and the child (when appropriate) and contain the following:

Single plan of care was **deleted**. Language was **added** to #5 of the last section.

### **Prepare your Case 624-05-15-115-15-15**

Review your case record, case plan/~~single plan of care~~, your notes, all letters and correspondence concerning the child. Develop a chronology of your information for termination of parental rights.

When you have determined that you are ready to go to court, prepare the parents for what is to happen. This applies to voluntary as well as involuntary terminations.

5. Explain that foster caregivers must be provided timely written notice and the "right" to be heard in any proceeding held with respect to the child.

Single plan of care was **deleted** from the last two paragraphs.

### **Alternate Permanency Placements 624-05-15-115-25**

#### **Children entering "another planned permanent living arrangement":**

The child's case plan/~~single plan of care~~ along with the "compelling reasons" document must be available to the court for review during the next permanency hearing.

#### **Permanency Planning Requirements:**

The quarterly Permanency Planning Committee/Foster Care Child and Family Team reviews now apply to all children in foster care, including those in "another planned permanent living arrangement" (such as long term foster care). This will ensure that the placement is reviewed and the case plan/~~single plan of care~~ kept up-to-date for the court's yearly review at the 12 month (or sooner) permanency hearing.

Single Plan of Care (SPOC) was **deleted** and case plan was **added**.

### **How to Implement This Goal 624-05-15-115-30-10**

The ~~Single Plan of Care (SPOC) case plan~~ should focus on building relationships between the child and those adults who will be his or her network of support upon discharge from foster care. APPLA can certainly include family foster care, but it will usually be foster care with a particular family or individual. Most importantly, the plan should focus on the caregiver's familial relationship with the child continuing after the youth is discharged from foster care.

PI 11-22 information was **added** to this section.

**Required Training for Foster Parents Providing Specialized Care**  
**624-05-20-10-10**

The initial orientation training is to be conducted by the county social service board, regional human service center staff, the private agency or a combination of these agencies. Foster parents licensed July 1, 1985 to January 1, 1998, were required to take the basic foster family course within six months of licensure. Since January 1, 1998, prospective foster parents must also take the PRIDE Pre-service Course prior to licensing. (PRIDE training for foster parents commenced January 1, 1998, and availability has increased since that time.) The foster parents must take, if provided or approved, at least twelve hours of training per year effective July 1, 1985. Initial and annual fire safety training hours will not be counted toward the minimum number of training hours required for initial and annual foster parent licensure. Foster parents must also be willing to take the specialized training PRIDE Care modules that will be required when available and prior to receiving the enhanced maintenance payment.

Single Plan of Care was **deleted** and permanency plan was **added**.

**Request for an Adjustment in the Level of Excess Maintenance**  
**Payment (EMP) 624-05-20-10-30**

Any foster parent or other member of the permanency planning committee/Foster Care Child & Family team may request that the committee reevaluate the level of care whenever there is a significant change in the child's functioning. Review of the need for an EMP payment will be required with each review of the Single Plan of Care permanency plan.

**Deleted** references to CCWIP and **noting** the new system, FRAME in paragraphs of this section.

### **Therapeutic Family Foster Care 624-05-20-15**

#### **Financial County Related to TFFC Placements:**

The administrative county for purposes of TFFC is similar to the procedure for children in group/RCCF/PRTF care. The custodian refers the child, ensures that permanency planning takes place, maintains the county case file for purposes of ensuring that custodial duties are carried out, compliance issues met, and that payment is processed in CCWIPS. In other words, the working relationship with the TFFC agency and their financial county is established. The county of financial responsibility maintains all case management responsibility not vested in the custodian.

#### **Eligibility for TFFC:**

7. Regional Supervisor approval (Recommendation Concerning Foster Care Payment in Group Care, RCCF, PRTF, TFFH, now completed in CCWIPS-FRAME) for a specified period of time.

#### **TFFC Accelerated Intake Eligibility:**

6. Regional supervisor approval (Recommendation Concerning Foster Care Payment in Group Care, RCCF, PRTF, TFFH, in CCWIPS FRAME) for TFFC for a period **not to exceed 40 days**: The regional supervisor notes on the approval that the situation is a TFFC Accelerated Intake-Exception.

#### **Rate for Therapeutic Foster Care ~~-PATH-ND:~~**

Refer to NDDHS 623-05 and NDDHS 447-10 for Therapeutic Family Foster Care rate information and billing procedure.

New section was **added**.

### **18+ Continued Care 624-05-23**

A child in 18+ Continued Care is still considered to be a "child" for the purposes of foster care as noted in NDCC 27-20. The child is considered an adult in all other systems; therefore releases of information are needed.

## **PROGRAM ELIGIBILITY AND VERIFICATION**

### **Eligibility For Continued Foster Care**

18+ Continued Care is available to eligible current and former foster care children up to the age of 21 years old if the child meets certain criteria. The child must have aged out of foster care while in the custody of a North Dakota public agency including; county social services, tribal social services, and the Division of Juvenile Services (DJS). Tribal Social Services foster care youth must have been Title IV-E eligible prior to discharge in order to qualify for 18+ Continued Care set forth in this policy. The length of time that a child is in foster care does not determine their eligibility for 18+ Continued Care. The 18+ Continued Care program philosophy encourages youth to stay in family foster care while they continue to pursue independence. Any arrangements made for placement in settings other than family foster care must be staffed with, and approved by the state office.

### **Living Arrangements**

The following types of living arrangements are allowable:

- ☐ Licensed Foster Care Homes
- ☐ College Dorms
- ☐ Group Homes/ RCCF's

A child generally will not be eligible for 18+ Continued Care if they are living in an apartment. Special circumstances to allow this will need to be discussed with the Regional Supervisor.

### **A child must:**

1. Be between the ages of 18 and 21.
2. Need continued foster care services.
3. Have aged-out of foster care at age 18 or greater from County Social Services, Tribal Social Services (as Title IV-E eligible) or Division of Juvenile Services.

4. Qualify in at least one of the program eligibility categories.
5. Agree to and sign the 18+ Continued Foster Care Agreement (SFN 60).
6. Return to foster care within six months of their last discharge date.

### **Categorically Eligible**

Verification of initial and ongoing eligibility for program participation is the responsibility of the case manager or the agency's agreed upon designee. A release of information between the agency, child and verifying entity (school, employer, etc.) is needed.

Eligibility may be reached in a combination of the following categories:

#### **1. Education**

Eligibility: The child must participate in secondary or post-secondary education on a full or part time basis. A child who is attending school on a part time basis is encouraged to also work or volunteer.

Arrangements should be negotiated between the child and the case manager. If the child is on an extended school break (i.e. summer break) or if the next school session is more than 30 days away, the child should work or volunteer until the session begins.

Verification: Verification must be provided in the form of an enrollment or acceptance letter, copy of grades, a letter from the school, class schedule, tuition receipt, etc. The frequency of verification must be every 9 weeks, quarter, or semester depending on the program in which the child is involved or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting.

#### **2. Employment**

Eligibility: The child must work at least 80 hours per month.

Verification: Verification must be provided in the form of a pay stub, letter from employer, a copy of an application for employment, etc. The frequency of verification must be monthly or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting.

**3. Employment Preparatory Program**

Eligibility: The child must attend a program that is designed to promote or remove barriers to employment. There could also be educational components tied to this type of programming; for example Job Corps. If the start of the next program session is more than 30 days away, the child should work or volunteer until the program begins.

Verification: Verification must be provided in the form of an application, enrollment or acceptance letter, copy of grades, a letter from the program, program schedule, tuition receipt, etc. The frequency of verification must be every 9 weeks, quarter or semester depending on the program in which the child is involved or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting.

**4. Medical Condition or Disability**

Eligibility: The child must be unable to participate in educational or employment activities stated above due to a medical condition or disability. A medical condition or disability would have likely been identified long before a child enters 18+ Continued Care.

Verification: A statement signed by a licensed physician, physician's assistant, psychologist, or Vocational Rehabilitation Counselor that documents the child's medical condition or disability (which can include a mental health diagnosis) and their inability to go to school, work, or participate in job training. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting or more often if required by the case manager.

**Grace Period**

In the event a child does not meet an eligibility category set forth above, a 30 day grace period is allowable to enter under one or a combination of the categories. During the grace period, volunteer work is encouraged while a child awaits an offer for employment or acceptance to an educational program.

**Return to Foster Care**

18+ Continued Care participants must have been discharged from foster care at the age of 18 or greater from a North Dakota public agency; including county social services, tribal social services, or Division of Juvenile Services (DJS). The agency where the child last exited foster care will be the point of contact for the child requesting a return to foster care. For example; in the case of a child under the custody of DJS, who exited foster care at or after the age of 18, the child should contact their most recent DJS case manager or agency to identify steps on how to return to foster care.

The child must return to foster care within six months of their last foster care discharge date. If the date falls past the six month re-entry maximum, contact the Regional Supervisor to discuss. There is no limit to the number of times that a child can return to foster care. Eligibility must be assessed at the time of the child's request to return to foster care. The voluntary 18+ Continued Foster Care Agreement (SFN 60) must be signed between all three parties for 18+ Continued Care to occur.

**Residency**

Some children may be in foster homes, group facilities or dorms in other states and continue to want or need the support of a foster home or group facility. A North Dakota foster child living out of state is eligible for 18+ Continued Care. A child, who ages out of foster care under the custody of another state, is not eligible for North Dakota 18+ Continued Care even if they move to North Dakota.

Interstate Compact Placement of Children (ICPC) does not apply to those over the age of 18, however continued courtesy case management requests of out of state partners is allowable and encouraged.

**Criminal Background Checks**

A child who remains in or returns to foster care in 18+ Continued Care is still considered to be a "child" for the purposes of foster care as noted in NDCC 27-20. Therefore, it is not possible to conduct a fingerprint based criminal background check. However, it is possible for agencies to conduct a free web-based search.

<http://www.ndcourts.gov/Search/Query.asp>  
<http://publicsearch.ndcourts.gov/default.aspx>  
<http://pa.courts.state.mn.us/default.aspx>



## **CASE MANAGEMENT**

### **Case Management Responsibilities**

All case management responsibilities applicable to children under the age of 18 in foster care will continue for a child participating in 18+ Continued Care. Case management requirements continue regardless of the child's IV-E eligibility and the case is subject to review during a CFSR and if applicable during a Title IV-E audit. To assist with monthly face to face visits, the use of the created tool "18+ Monthly Face to Face" contact form is encouraged.

Agencies must advise a child of the availability to continue in foster care and receive benefits until they reach the age of 21. This discussion should be done within 90 days of their 18<sup>th</sup> birthday, in conjunction with the development of the required transition plan. To assist with notification to the child a brochure (DN 1174) was developed for distribution.

If a child currently in foster care notifies the agency of their intent to participate in 18+ Continued Care, the agency will work with the child's foster care provider to see if the continued placement would be appropriate. If the placement is not appropriate, recruitment efforts for a new placement resource should begin.

For a child returning to foster care after being discharged, the case manager must complete the assessment of safety and risk. If the child is in crisis, the case manager should provide crisis intervention services (i.e. connecting the child with resources that provide temporary housing, food, emergency medical care, etc.). If a foster care placement is not available at the time the child requests to return to foster care, the agency will begin recruitment efforts immediately. A child is not in foster care until a placement resource is identified and all three parties sign the 18+ Continued Foster Care Agreement (SFN 60).

**18 + Continued Foster Care Agreement**

The 18+ Continued Foster Care Agreement (SFN 60) is a three party agreement willfully entered into between the Department of Human Services or its agent (agency), the child, and the foster care provider. The agreement effective date will be no less than the date prior to the child's 18<sup>th</sup> birthday and no greater than six months after the child's last discharge date from foster care. If the effective date falls past the six month timeframe, contact the Regional Supervisor to discuss.

**Continued Care Example:**

1. If the child requests to remain in foster care upon turning age 18 on February 7<sup>th</sup>, and all three parties are in agreement, the agreement effective date will be February 6<sup>th</sup>, which is one day prior to the child's 18<sup>th</sup> birthday.

**Return To Care Examples:**

1. If the child requests to return to foster care on March 1<sup>st</sup> (4 months post discharge) and all three parties are in agreement, the agreement effective date will be March 1<sup>st</sup>.
2. If the child requests to return to foster care on March 1<sup>st</sup> (4 months post discharge), but there is not a foster care provider identified until April 5<sup>th</sup> (5 months 5 days post discharge), the agreement effective date will be April 5<sup>th</sup>. Agencies can begin recruitment efforts for a foster home on March 1<sup>st</sup>, but this child is not in foster care and the 18+ Continued Foster Care Agreement (SFN 60) is not effective until there are three willing parties (child, agency, and foster care provider).

**18+ Continued Care Placement Process****Child In Continuous Foster Care**

- Through the course of transition planning, the agency will educate the child and current foster care provider of 18+ Continued Care, its purpose, eligibility requirements, and expectations.
- The child makes their intention known to the agency that he/she would like to voluntarily remain in foster care once reaching the age of 18.
- The agency will review eligibility categories (education, employment, preparatory program, medical condition/disability).
- The agency will continue to meet with the child to conduct ongoing safety and risk assessments.
- If the child cannot remain in his/her current foster care placement, the

- agency will work to identify a new placement resource.
- ☐ The agency, child, and foster care provider will voluntarily sign the 18+ Continued Foster Care Agreement (SFN 60) effective the date prior to the child's 18<sup>th</sup> birthday.
- ☐ The agency will begin the court process seeking judicial determinations. Agency will draft an affidavit with requisite language seeking placement and care responsibility of the child.
- ☐ Judicial determinations must be made within 90 days of the effective date on the 18+ Continued Foster Care Agreement (SFN 60).
- ☐ Agency will follow existing foster care policy on case management duties and responsibilities.
- ☐ Agency will continue to update the case in FRAME. Initial changes will include foster care reason for care, foster care program period, court order, placement, care-case plan, etc.
- ☐ Agency will meet at least monthly for face-to-face contact with the child.
- ☐ Agency and Regional Supervisor will co-chair Foster Care Child and Family Team meetings.
- ☐ Agency will assist the child in updating his/her personalized transition plan, including goal setting to allow the team to measure his/her achievement toward independence.
- ☐ Agency will provide independent living resource and referral (Ex: Discussions about home management, budgeting, referral to Chafee Independent Living, etc.).
- ☐ Agency will coordinate and communicate with foster parents, service providers, school, etc.
- ☐ A permanency hearing must be completed within 12 months of the date that the child entered foster care and every 12 months thereafter.
- ☐ The 18+ Continued Foster Care Agreement (SFN 60) remains in effect until the permanency goal is reached, one of the three parties requests to terminate, or the child reaches the age of 21.
- ☐ 18+ Continued Care case files are subject to Children and Family Service Reviews (CFSR) and Title IV-E federal foster care audits.

### **Child Returning To Foster Care Process**

- ☐ The child contacts the public agency (county/tribal social services, DJS) in which he/she was last in foster care.
- ☐ The agency will meet with the child to identify steps on how to return to foster care.
- ☐ The agency will conduct a safety and risk assessment, which can

- include a free web-based background check search.
- The agency will review the program eligibility requirements.
  - The agency will work to identify a placement resource for the child.
    - If no placement resource is available, the agency will provide the child with resource referral and begin recruitment for a foster home. The child is not in foster care until there is a three party agreement in place.
    - If a placement resource is identified, the agency, child, and foster care provider will fully enter into the 18+ Continued Foster Care Agreement (SFN 60).
  - The agency will begin the court process seeking judicial determinations. Agency will draft an affidavit with requisite language seeking placement and care responsibility of the child.
  - Judicial determinations must be made within 90 days of the effective date on the 18+ Continued Foster Care Agreement (SFN 60).
  - Agency will follow existing foster care policy on case management duties and responsibilities.
  - Agency will continue to update the case in FRAME. Initial changes will include foster care reason for care, foster care program period, court order, placement, care case plan, etc.
  - Agency will meet at least monthly for face-to-face contact with the child.
  - Agency and Regional Supervisor will co-chair Foster Care Child and Family Team meetings.
  - Agency will assist the child in updating his/her personalized transition plan, including goal setting to allow the team to measure his/her achievement toward independence.
  - Agency will provide independent living resource and referral (Ex: Discussions about home management, budgeting, referral to Chafee Independent Living, etc.).
  - Agency will coordinate and communicate with foster parents, service providers, school, etc.
  - A permanency hearing must be completed within 12 months of the date that the child entered foster care and every 12 months thereafter.
  - The 18+ Continued Foster Care Agreement (SFN 60) remains in effect until the permanency goal is reached, one of the three parties requests to terminate, or the child reaches the age of 21.
  - 18+ Continued Care case files are subject to Children and Family Service Reviews (CFSR) and Title IV-E federal foster care audits.

**Termination from 18+ Continued Care**

- Termination from foster care will occur if the permanency goal is reached, one of the three parties requests to terminate the agreement, or the child reaches the age of 21.
- The agency must notify the child via letter sent to his/her last known address within three days of the decision to terminate the 18+ Continued Foster Care Agreement. The child is informed they have the option to return to foster care within six months from their last date of discharge. A copy of this notification will become part of the child's case file.
- Child is discharged and the foster care program is closed.

**Trial Independence**

A child discharged from foster care at the age of 18 or older may be placed on Trial Independence for no greater than six months. Trial Independence allows for the child to maintain IV-E eligibility and return to foster care at any time before the six month expiration. During Trial Independence all case management responsibilities end, the foster care program is closed and the court order may be vacated or allowed to expire.

Documentation is required in the case file indicating that a child is discharged from foster care under Trial Independence. This documentation will support IV-E eligibility determination in the event he/she returns to foster care. The "Notice of Change" (SFN 45) has been revised to include a Trial Independence field.

**School District Notification**

18+ Continued Care requires agencies to follow existing policy on school district notifications. Communication with the Department of Public Instruction is encouraged to determine tuition standards.

**Family Connections**

Agencies must document the child's interest in pursuing involvement with their family after they turn age 18. If the child is interested in maintaining family connections, the agency must provide for visitation or other ongoing interactions, unless such interaction would be harmful to the child. Documentation in the case file regarding family connections must meet the requirements of the Children and Family Service Review (CFSR).

**Transition Planning**

Transition planning is strengths based and directed by the child. Agencies should include the child in conversations related to their independence and allow them to lead their Foster Care Child & Family Team meetings when appropriate.

Current policy states, a transition plan is required no greater than 90 days prior to the child's 18<sup>th</sup> birthday. For the purposes of 18+ Continued Care, transition plans should then be updated as needed and monitored on an ongoing basis until the child is discharged from foster care. Agencies are encouraged to use the existing tool "Discharge Checklist" to ensure that the requirements of a transition plan are met. Requirements must include, but are not limited to housing, health insurance, education, local opportunities for mentors and support services, workforce supports and employment, and information related to health care directives.

**Chafee Independent Living Program**

Participation in the voluntary Chafee Independent Living Program is encouraged. Chafee Independent Living eligibility criteria and program standards can be found in Foster Care Services – Chafee Foster Care Independence Program 624-10.

**Foster Care Recruitment**

18+ Continued Care may require specialized recruitment efforts for foster homes. Agencies are encouraged to include these efforts in their recruitment and retention plan. Agencies are also encouraged to use the option of a statewide search to locate the best foster care provider match.

**JUDICIAL DETERMINATIONS**

The 18+ Continued Foster Care Agreement (SFN 60) must be signed by the agency, the child, and the foster care provider for any child who chooses to remain in or return to foster care. Foster care payments are available only for the first 90 days of the child's voluntary placement in foster care unless the required judicial determinations have been made.

There must be a court order that gives a public agency (county social services, tribal social services, DJS) placement and care responsibility within 90 days of the effective date noted on the 18+ Continued Foster Care Agreement (SFN 60). The court order does not have to be the result of an actual court hearing.

In order to claim foster care funds for a child, the following judicial findings must be included in all court orders for children age 18 to 21, remaining in or returning to foster care. No payment can be made to support a child's foster care placement without each and every required finding.

The required court order findings are:

1. <u>[<b>Child's name</b>] is between the ages of eighteen and twenty one years and is need of continued foster care services. [<b>Child's name</b>] is not deprived, unruly or delinquent.</u>
2. <u>The court is in receipt of the affidavit for this child, and such affidavit is incorporated by reference into the record of this action.</u>
3. <u>[<b>Child's name</b>] requests to [<b>remain in or return to</b>] foster care pursuant to the "continued foster care agreement", willfully entered into between the Department of Human Services or its agent, the child, and the foster care provider.</u>
4. <u>It is in the best interest of this child to [<b>remain in or return to</b>] foster care, and reasonable efforts were made to meet the child's needs before a foster care placement. (Describe in an affidavit incorporated by reference.)</u>
5. <u>[<b>Child's name</b>] has satisfied the education, employment or disability requirements as set forth by the law.</u>
6. <u>[<b>Administrative County or the Division of Juvenile Services</b>] shall continue to provide foster care case management and will have care and placement responsibility of this child.</u>
7. <u>There are no grounds to terminate parental rights under chapter 27-20.</u>
8. <b>Optional:</b> <u>[<b>child's name</b>] will be required to appear at a Permanency Hearing before this court on or before 12 months from the date of the last permanency hearing, or 12 months from the date that the child entered foster care.</u>

Permanency hearings are required every 12 months from the date that the child entered foster care. It is expected that most children in 18+ Continued Care will have a permanency plan of Another Planned Permanent Living Arrangement (APPLA). In addition to the identified permanency plan of APPLA, the court order must also address the agency's efforts to prepare the



child to meet the permanency goal. The agency's efforts toward that goal would include activities outlined in the child's case plan. The permanency court order must be the result of an actual hearing. Special attention should be given to children who "remain" in foster care. The permanency hearing may be on a different track than a child that "returns to" foster care. For example, a child entered foster care on 3/1/11, when the child was age 17. If not held before, a permanency hearing is required no later than 3/1/12. If that child turns age 18 on 2/1/12 and an 18+ court order is obtained with an expiration date of 2/1/13, the permanency hearing is still required on 3/1/12, unless the permanency hearing was held at the same time that the 18+ court order judicial determinations were made.

The agency must notify the foster care provider of any hearing held with respect to the child. A copy of the written notification should be kept in the child's case file.

Compelling reasons not to file a termination of parental rights is a requirement for 18+ Continued Care. Compelling reasons for not filing a TPR will be a judicial determination that there are no grounds to terminate parental rights under NDCC 27-20.

For children with an adjudication of delinquent, court orders are often extended past their 18<sup>th</sup> birthday. These children remain in "regular" foster care and the requirements under 18+ Continued Care do not apply until the court order expires and no new court order has been entered. It is at that time they can enter 18+ Continued Care or start their 6 months return option.

ICWA requirements do not apply in 18+ Continued Care.

#### **TITLE IV-E ELIGIBILITY**

All Title IV-E eligibility requirements that apply to children under age 18 also apply to children in 18+ Continued Care. A child age 18 or greater must meet at least one of the 18+ Continued Care program eligibility categories as outlined in previous sections. A child's case file must contain documentation of and verification of both program eligibility and Title IV-E eligibility.



Match symbols allowed for 18+ Continued Care children are federal match (FM) and regular match (RM). Emergency Assistance (EA) is available only in the situation described below.

### **Process**

1. **Children who currently are in foster care with an "Understanding of Parties" Agreement (Voluntarily signed before 1/1/12):**
  - a. All 18+ Continued Foster Care Agreements (SFN 60) are effective 1/1/12. The agreement must be signed by all three parties.
  - b. A court order must be in effect within 90 days of January 1, 2012, containing the requisite court order findings for foster care providers to continue to receive payment. A permanency hearing may be required if a permanency finding has not been made within the past 12 months.
  - c. Children who are Title IV-E eligible (FM) will remain Title IV-E eligible (FM) throughout the foster care episode. A new determination of Title IV-E eligibility is not needed.
  - d. Children who are coded as EA and will graduate by their 19<sup>th</sup> birthday, will continue as EA until they graduate. The match symbol will change to RM the beginning of the month following graduation.
  - e. Children who are determined to be RM will remain RM.
  - f. Compelling reasons may need to be documented, if applicable.
2. **Children who return to foster care within six months of 1/1/12 (Discharged prior to 1/1/12 and not placed in Trial Independence)**
  - a. The 18+ Continued Foster Care Agreement (SFN 60) must be signed by all three parties. The 18+ Continued Foster Care Agreement gives a North Dakota public agency placement and care responsibility until a court order is in effect.
  - b. A court order must be in effect within 90 days of the effective date noted on the 18+ Continued Foster Care Agreement (SFN 60), containing the requisite court order findings. If, at the end of 90 days, a court order is not in effect, foster care payments must be terminated.
  - c. Application for Foster Care (SFN 641) must be completed by the child. Information included on this form applies to the child only.

- d. Title IV-E eligibility must be re-determined by completing the Title IV-E Initial Eligibility Worksheet (SFN 869). Documentation in the file must include:
- SFN 641, Foster Care Application
  - SFN 869, Title IV-E Initial Eligibility Worksheet
  - SFN 870, Title IV-E Reimbursability
  - SFN 873, Title IV-E Income Calculation Worksheet
- e. Verification of the 18+ Continued Care eligibility category (grace period applies). Documentation in the file must support one category below:
- Education – full or part-time
  - Employment – at least 80 hours per month
  - Attending a program designed to promote or remove barriers to employment
  - Incapable of education or employment due to medical condition or disability
3. **Children Who Were Discharged from Foster Care at or after Age 18 (after the date of 1/1/12)**
- Children who were discharged from foster care at or after age 18 can return to foster care within six months of their discharge date.
- a. **Discharged under Trial Independence:** The child can maintain their Title IV-E eligibility if he/she was discharged under Trial Independence and returns to foster care within 6 months. Title IV-E must be re-determined based upon the child only, without regard to the parent(s) or legal guardian(s).
1. Required:
    - SFN 641, Foster Care Application, completed by the child. Information included on this form applies to the child only.
  2. Documentation in the file supporting Title IV-E must include: \*
    - SFN 869, Title IV-E Initial Eligibility Worksheet
    - SFN 870, Title IV-E Reimbursability
    - SFN 873, Title IV-E Income Calculation Worksheet
  3. Verification of the 18+ Continued Care eligibility (grace period applies). Documentation in the file must support one category below:
    - Education – full or part-time
    - Employment – at least 80 hours per month

- Attending a program designed to promote or remove barriers to employment
- Incapable of education or employment due to medical condition or disability

\* Based on the foster care episode in which the child was most recently discharged under Trial Independence.

- b. **Not discharged under Trial Independence:** If a child returns to foster care within six months of discharge and was not under Trial Independence, Title IV-E eligibility must be re-determined based upon the child only, without regard to the parent(s) or legal guardian(s).

1. Required:

- SFN 641, Foster Care Application, completed by the child. Information included on this form applies to the child only.

2. Documentation in the file must include:

- SFN 869, Title IV-E Initial Eligibility Worksheet
- SFN 870, Title IV-E Reimbursability
- SFN 873, Title IV-E Income Calculation Worksheet

3. Verification of the 18+ Continued Care eligibility category (grace period applies). Documentation in file must support one category below:

- Education – full or part-time
- Employment – at least 80 hours per month
- Attending a program designed to promote or remove barriers to employment
- Incapable of education or employment due to medical condition or disability

### **Medical**

The Foster Care Application (SFN 641) must be completed in order to reinstate Medicaid for children who exit and return to foster care after age 18.

Title IV-E/Title XIX Redetermination – Foster Care (SFN 642) is used to re-determine Medicaid annually for children who remain in foster care past the child's 18<sup>th</sup> birthday.

**Children under the custody of Tribal Social Services**

The North Dakota Department of Human Services has entered into formal agreements with Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa and Devils Lake Sioux Tribe. The agreements allow the tribe or tribal court to retain jurisdiction, including placement and care responsibilities, of children and still have Title IV-E foster care eligibility for a child if all other Title IV-E foster care eligibility requirements are met. The Tribe is responsible for providing eligibility related information to the county to assist the county in determining Title IV-E eligibility. Maintenance payments for the care of children who are Title IV-E eligible and reimbursable will be paid by the state.

If the child is non-Title IV-E eligible, financial responsibility for foster care payment remains with the Tribe.

A child under the custody of Tribal Social Services, who was Title IV-E eligible while in foster care under the age of 18, is eligible for 18+ Continued Care. All areas of responsibility remain the same as when the child was under the age of 18. If the child loses Title IV-E eligibility or reimbursability, the county will close the foster care case and the Tribe will become financially responsible.

**Child Support**

A parent's child support obligation ends when the child turns age 18. The child support referral is automatically closed in CCWIPS when this occurs.

**Social Security Benefits**

Current policy related to children in foster care under age 18 applies to children in 18+ Continued Care.

**FOSTER CARE PAYMENTS:**

All youth in 18+ Continued Care remain eligible for foster care maintenance payments. The process and items covered in the foster care maintenance payment are consistent with policy for foster youth under the age of 18. This rate includes the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, and liability insurance with respect to the child.

Secondary placements are not allowed in 18+ Continued Care. Payments are limited to the primary caretaker only, as the 18+ Continued Foster Care Agreement (SFN 60) does not include any placement resource other than the primary foster care provider.

### **Irregular Payments**

With the appropriate approval, irregular payments are available for a child in 18+ Continued Care. Payments will be made to the licensed foster care provider.

In cases where a foster child is a parent and placed with their own child in the same foster home, the foster care maintenance payment will be assessed to cover the cost of that child.

Although excess maintenance payments (EMP's) are allowed, requests should be discussed thoroughly during Foster Care Child & Family Team meetings before an EMP is approved. EMP's are available in special circumstances, when the child has special needs or the difficulty of care significantly affects her/his foster care placement.

### **Therapeutic Family Foster Care**

The child must be in need of a therapeutic level of care in order to remain eligible for the therapeutic family foster care rate. The step-down or county age appropriate foster care rate (flow through rate) will be paid in situations where the child does not meet the therapeutic level of care. A group home approval is required for all children who are placed in a therapeutic family foster home.

### **FRAME/ CCWIPS:**

A FRAME Users Guide for 18+ Continued Care will be distributed to explain the changes made to the system. This guide will assist case managers with required data entry.

**Deleted** Single Plan of Care.

**Permanency Planning Forms 624-05-25**

The following forms are necessary to carry out the permanency planning foster care program in North Dakota.

They are as follows:

~~Single Plan of Care~~

**Deleted** references to CCWIP and **noting** the new system, FRAME.

**Permanency Planning Committee Initial Report, SFN 902  
624-05-30-05**

The instructions herein are related only to the use of [SFN 902](#), "Permanency Planning Initial Report." ~~The instructions do not include steps related to the Single Plan of Care (SPOC) and its distribution.~~ Please refer to NDDHS Wraparound Case Management manual Chp. 641 for that specific information.

NOTE: Case management information is entered in ~~CCWIPS-FRAME~~, and the case plan is generated from ~~CCWIPS-FRAME~~. The paper form, SFN 902, now has very limited use, namely for some Tribal IV-E cases, and situations where an adoptive placement has been made and is not finalized.


**Deleted** reference to CCWIP and **noting** the new system, FRAME.

### **Purpose and Use of SFN 902 624-05-30-05-05**

Case plan and permanency planning information is on-line in the ~~CCWIPS~~ **FRAME** system. This eliminates use of hard copies of Forms SFN 902 and SFN 903. Be sure to note required distribution of case plan and periodic review reports. Therefore, this form has very limited application. However, if the paper form must be used, it will accomplish three major things. That is:

Reference to Regional was **deleted**.

### **Routing of Copies, SFN 902 624-05-30-05-10**

- CSSB (Financial Respon.)
- CSSB (Physical)
- Court
- Tribe
- Parent-Guardian
- Foster Parent/Facility
- DJS
-  ~~Regional-Chafee~~ IL Coordinator, (if applicable)

**Changed** caseworker to case manager and **Changed** CCWIPS to FRAME.

### **Completing SFN 902 624-05-30-05-15**

#### Item 1. - Basic Data:

Indicate the child's name, social security number, birth date, case manager, matching symbol (for payment), county case number, region, sex code, race code, family size, etc. Use code tables on reverse of form. Enter date the form was completed.

Initial Clinically Diagnosed Disabling Condition:

Check "Yes" if a qualified professional has clinically diagnosed the child as having at least one of the disabilities listed in the definition above. A "qualified professional" includes a medical or mental health professional as defined by State law or regulation. It does not include ~~case worker~~ managers.

Item 2 - County/Agency Codes.

These are numerical codes from the code tables. Each blank should contain the county/agency number for the county of physical presence, legal county (custodian), and administrative county. In addition, if the child is in custody of the NDDHS Executive Director, the Division of Juvenile Services (DJS), or a tribe, enter the appropriate numerical codes. Codes are found in the CCWIPS/FRAME system, and in the NDDHS 447-10 manual chapter.

Item 4 - Appropriateness of the Placement

4a.	Indicate by checkmark whether or not this was emergency placement.
4b.	If the child has been placed in a foster family home or residential setting a substantial distance from the home of the parents of the child, or in a State different from the State in which such home is located, the case plan must include the reasons why such placement is in the best interests of the child. Explain.
4c.	If the child has been placed in foster care outside the State in which the home of the parents of the child is located, not less frequently than every 12 months, a <del>caseworker</del> <u>manager</u> (representative from either state) must visit the child in the foster care setting and submit a report on the visit to Children and Family Services, Department of Human Services. Explain arrangements to accomplish this.



**Changed** CCWIPS to FRAME. **Deleted** information regarding Single Plan of Care (SPOC).

**Permanency Planning Committee Progress Report, SFN 903  
624-05-30-10**

The instructions herein are related only to the use of [SFN 903](#), "Permanency Planning Committee Progress Report." ~~The instructions do not include steps related to the Single Plan of Care (SPOC) and its distribution.~~ Please refer to NDDHS Wraparound Case Management Manual Chapter 641 for that specific information.

NOTE: Case review information is entered in [CCWIPS FRAME](#), and the case review document is generated from [CCWIPS FRAME](#). The paper form SFN 903 now has very limited use.

**Additional Clinically Diagnosed Disabling Condition:**

Check "Yes" if a qualified professional has clinically diagnosed the child as having at least one of the disabilities listed in the definition above. A "qualified professional" includes a medical or mental health professional as defined by State law or regulation. It does not include ~~case worker~~ [managers](#).

**Item 3 - Placement Changes and Date and Appropriateness of the New Placement**

This pertains to any change in placement and the dates that these changes.

- 3a. Indicate by checkmark whether or not this was emergency placement.
- 3b. If the child has been placed in a foster family home or residential setting a substantial distance from the home of the parents of the child, or in a State different from the State in which such home is located, the case plan must include the reasons why such placement is in the best interests of the child Explain.

- 3c. If the child has been placed in foster care outside the State in which the home of the parents of the child is located, not less frequently than every 12 months, a ~~caseworker~~ manager (representative from either state) must visit the child in the foster care setting and submit a report on the visit to Children and Family Services, North Dakota Department of Human Services. Explain arrangements to accomplish this.
- 3d. If the child has been in foster care out of North Dakota for 12 months, complete this section.

**Item 6 - Education and Health Information**

Every child's care case plan must include education and health records, to the extent available and accessible.

Chafee was **added** to the last in the listing.

**Routing of Copies, SFN 903 624-05-30-10-05**

Copies must be made and distributed to:

- Chafee IL Coordinator (if applicable)

**Added** case to care plan in first paragraph.

**Purpose and Use of SFN 1537 624-05-30-25-05**

SFN 1537 is prepared and implemented to provide a uniform and consistent program for visitation. This will allow parents and foster children to maximize their time together. As it is the intention of foster care to reunite the family whenever possible, the very importance of good, productive visits is recognized. The importance makes it absolutely necessary to schedule this valuable time into the ~~foster-care~~ case plan. This agreement will allow for the foster home routine, the social life of the child, and the parental visits to work in harmony and in the interest of ALL parties.

**Corrected** the form number. Linked to the form in the service chapter.

**Compelling Reason(s) for Determining that Filing a Petition to Terminate Parental Rights Would Not be in the Child's Best Interest, SFN ~~248 348~~ 624-05-30-30**

**Purpose and Use of SFN ~~248 348~~ 624-05-30-30-05 (Revised 2/10/07 ML #3053)**

[View Archives](#)

Click [here](#) to visit this form.

<http://www.nd.gov/eforms/Doc/sfn00348.pdf>

Par. 2. **Effective Date** – October 15, 2012